

conflicting rulings by the Federal courts of appeal on the issue of whether EMS personnel are covered by section 7(k). There also have been different interpretations by the courts of the regulations on this subject. This has led to confusion and large financial liability on the part of State and local governments. The bill I am introducing today revises section 7(k) so that EMS personnel qualify for the same partial exemption from overtime as fire protection personnel.

Mr. Speaker, the FLSA, passed in 1938, mandates a rigid interpretation of the 40-hour workweek. The law's worker classification and compensation requirements are not reflective of the contemporary workplace. Contradictory court interpretations of the FLSA have provided windfall judgements for some employees. These costly judgements against public sector employers have a direct impact on budgets supported by taxpayer dollars and also affect public safety services. The existing liability for many States and localities is estimated to be in the millions of dollars, and the potential for future liability creates tremendous fiscal uncertainty. I urge my colleagues to support this legislation which promotes the mandate of public accountability and fiscal responsibility to which State and local governments must adhere.

#### SIXTH DISTRICT ESSAY CONTEST WINNERS

#### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 1997*

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the tremendous work of a half-dozen young men and women who live in my District.

Each year, my office in cooperation with numerous junior and senior high schools in Northern Illinois sponsor an essay writing contest. A board, chaired by Vivian Turner, a former principle of Blackhawk Junior High School in Bensenville, IL, chooses a topic, and evaluates results of the submitted essays. Winners share more than \$1,000 in scholarship funds.

This year, Marta Kuersten, a student at Algonquin Junior High School in Des Plaines, IL, placed first in the junior high division with an essay entitled *What I can do for my Country*, a text of which I include in the RECORD. Placing second in the junior division is Tina Rasane, a student at Mary, Seat of Wisdom School in Park Ridge, IL; and John Tadelski, a student at St. Alexander School in Villa Park, placed third.

In the Senior High School Division, Thomas W. Repetto, a student at Maine South High School in Park Ridge, placed first with his essay entitled *Towards the Preservation of the Government by the Citizen*, a text of which I include in the RECORD. Shrujal Baxi, a student at Glenbard North High School in Carol Stream, IL, placed second; and Shannon McNamara, a student at Lake Park High School in Roselle, placed third.

#### WHAT I CAN DO FOR MY COUNTRY (By Marta Kuersten)

"Ask not what your country can do for you; ask what you can do for your country." Well, there are the things that naturally

come to mind. I could pick up litter, volunteer at the local hospital, make donations to charities or even join the army when I'm old enough. But I think real service to my country has to do more with my attitude which can affect my actions. It's got to do with the choices I make, and the way I face life.

I'm choosing to go to college, and earn a degree, so I'll have the skills to get a good job. I'll avoid premarital sex, so I don't have to worry about unwanted pregnancy or sexually transmitted diseases. And even the simplest choices are important, like choosing to throw my trash in a garbage can instead of on the ground.

Okay, so how does this affect my country, you ask? Simple, unemployment is a problem in our country, and if I don't get a college education, why should I expect not to join the ranks? Welfare is what your country does for you. Paying taxes is what you do for your country.

And why should I take the place in a hospital of a person with cancer because I have hepatitis, or worst of all, HIV/AIDS? I can save myself and the person with the unavoidable illness, (like cancer), a lot of grief if I choose wisely and remain abstinent. And that is to say nothing of the grief shared by both the mother and a child born of an unwanted pregnancy. A hospital bed or Medicaid is what the country can do for you. Saying "no" is what you can do for your country.

Although it may seem small next to chastity and a college degree, choosing not to litter means that someone else doesn't have the responsibility of picking up your garbage. "Keep Your Town Beautiful" crews are what your country does for you. Finding and using a trash can is what you can do for your country.

The point is, the choices we make, big or small, affect our country in one way or another. If I'm really asking myself what I could do for my country, I'll make a wise decision that will not only do the country good but will also probably do me good as well. And John F. Kennedy would surely agree with that thinking.

#### TOWARDS THE PRESERVATION OF THE GOVERNMENT BY THE CITIZEN (Thomas W. Repetto)

"We the People . . ." The first three words of the United States Constitution affirm that the true leaders of government are the millions of people who are governed by it. In a government that is representative of the people, it is the will of the people that directs a government to satisfactory levels. As John F. Kennedy told Americans to "Ask what you can do for your country," he echoed the most necessary component of a healthy and successful government: popular participation. The participation of citizens is necessary so that a government can truly serve the needs of its constituents. In many foreign nations, the only way one can voice his opinions and help his country is through a ballot box. While Americans still honor the significance of the vote, they have found numerous other ways to do something for their country and respond to President Kennedy's request.

Citizens can serve in the military, and fight for one's country. Programs such as the Peace Corps and Americorps allow citizens to travel to other countries and work to preserve world peace. This helps the United States by strengthening foreign relations and creating a world where our children and our children's children do not need to deal with the rigors and heartache that war can bring. Promoting peace in our domestic wars with crime, gangs, and drugs can be aided by organizations like the Guardian Angels and

Community Watch programs. Battles are fought every day, and our willingness to resolve these problems is the first step in combating the crime that surrounds us. Only through peace and safety can we truly find happiness in our lives and in our government.

The Puritans who settled in the Massachusetts Bay Colony believed in the philosophy that "We are our brothers's keeper." Likewise, citizens of America, a country of the people, by the people, and for the people, can help their country by being their brother's keeper, aiding the people who make up this great nation. When one helps serve food at a soup kitchen, visits people at a nursing home around Christmas time, holds a door for a handicapped person, or tutors disadvantaged children, he helps to promote the general welfare of the community and subsequently the nation. As an individual with deeply rooted Catholic beliefs, I believe that acting as a "Good Samaritan" is the ultimate way to serve the United States.

One can join a local branch of political party, join a union, actively participate in a special interest group, or assist a political campaign. For example, when my government teacher was running for trustee in his village, myself and several other students went door to door passing out campaign literature. In government, we work so that the best people are elected and the best views are represented. Unions fight for the rights of their members and work to improve working conditions. As the son of a union member, I respect the union's activity in trying to promote a better workplace. Involvement in a special interest group demonstrates a desire to see that a concern is respected. Joining any organization that is active in trying to influence public policy is a positive way to be an active citizen.

Criticisms of the government help to illuminate problems and propose solutions. Satirical cartoons, commentary articles, and political discussions and debates demonstrate a citizen's desire to improve his country's ability to protect and serve the people. It is our duty as Americans to read commentaries on the government, watch political discussions, keep up to date on issues that affect our community, and argue with our friends on datable issues. Demonstrations are effective in conveying concerns of a large sect. While we may not march in front of an abortion clinic, we must be aware of why the people are marching and understand their position as not to be ignorantly biased one way or another.

A citizen who simply abides by the laws of his community supports his country. A person who chooses not to drive recklessly, who chooses not to cause a public disturbance, who refrains from taking away the rights of another individual, preserves the order and justice with which the government is designed to protect. When we respect the unalienable rights of others, we promote the ideals of American society and protect our nation from falling into an abyss of immorality and injustice.

Only a few people can be elected to serve in Congress. Only several individuals can represent a community in local politics. Yet, every American can participate and do something for their country. There are always improvements to be made and problems to be solved. A letter to a Congressman, a letter to the editor of a local newspaper, a phone call to a friend who might generate interest: whatever the form of communication, citizens must dictate their concerns. Then, after the concerns are exposed, the individual must take it upon himself to see that the problem is fixed. In the words of Learned Hand, "Liberty lies in the hearts of men and women; when it dies there, no constitution,

no law, no court can save it." Only with a eminent desire to right what is wrong, to make just what is unjust, to equalize what is unequal, and to improve what is imperfect can man truly make a difference. Citizens must passionately believe in a cause and do their best to make sure that their dream is fulfilled. If, and only if, the hearts of man bubble with painstaking ability to fight for the liberty ingrained in the stars and stripes of America, then we can exclaim that no barrier is unbreakable, no problem is unsolvable, no aspect of moral degradation is unstopplable.

#### INTRODUCTION OF LEGISLATION TO ALLOW EMPLOYERS OPPOR- TUNITY TO PROVIDE ALTER- NATIVE MEANS OF PROTECTION IN MEETING SAFETY AND HEALTH RULES

#### HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. BALLENGER. Mr. Speaker, 2 years ago, when President Clinton promised to "reinvent" OSHA, he promised "to make sure that worker safety rules [would be] as simple and sensible and flexible as they can be." I think we all appreciate the President's goal. Certainly anyone who has had to deal with OSHA's rules would not describe them as simple, sensible, or flexible.

Unfortunately, OSHA has made little progress in addressing this aspect of reinvention. The Subcommittee on Workforce Protections recently completed hearings on the progress made in reinventing OSHA. It was apparent that little progress has been made in changing the regulatory progress. Even OSHA's Director of Regulatory Affairs was recently quoted as saying that "regulatory reinvention is not a subject that has gotten much attention."

The legislation which I am introducing will go a long way to make OSHA's rules "simple, sensible, and flexible"—without any diminishing of employee's safety. This legislation simply allows an employer to meet the same level of protection of employees that is mandated by OSHA's rules, but allows employers the flexibility to do so through means, methods, processes, or operations that are different than those which may be mandated by OSHA.

It may be argued that the Occupational Safety and Health Act already provides flexibility to employers in meeting occupational safety and health standards, by providing that employers may apply for a variance from any standard. In reality, OSHA's variance process is unwieldy, lengthy, and expensive. But the test for granting a variance—that the employer's alternative method of protection will provide protection of employees equal to or greater than that provided by the standard—is the same test as would apply under my legislation. What my legislation in effect does, is make the variance process more useable and useful for employers.

In short, this legislation gives employers precisely what the President promised: flexibility in worker safety rules without diminishing worker protection. I invite my colleagues to join me in supporting this step forward in reinventing OSHA.

#### REBUILDING AMERICAN SCHOOLS ACT OF 1997

#### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. MENENDEZ. Mr. Speaker, we simply cannot ignore the needs of our students any longer when it comes to the poor physical condition of our schools. We can see that many schools throughout America need assistance in continuing to educate our children.

We cannot allow our schools to continue with inadequate buildings, inadequate building features, and unsatisfactory building conditions. We can't sit by and watch our schools crumble. Congress needs to recognize that the quality of their learning environment affects the education children receive.

Our children need a strong foundation—better physical conditions—in the schools they attend. In some parts of the country the problems facing our schools' infrastructure have reached crisis proportions. Poor infrastructure is often a barrier to schools being wired to the Internet among other things.

We need the proper school facilities to deal with the surge of enrollment that is occurring right now. In the next 10 years, many school districts will have to cope with the need for more space to accommodate 55.9 million students, a jump of 9.4 million since 1990. New Jersey public elementary and secondary schools will see an increase of 109,000 students in the next 10 years, requiring 4,360 additional classrooms.

For all these reasons, I have introduced the Rebuilding American Schools Act of 1997, with Representative ROB ANDREWS. This legislation will assist local school districts finance the repair, renovation, alteration, and construction of public elementary and secondary school facilities.

A General Accounting Office report last year drew alarms in Congress about the need to repair and upgrade school facilities across the country. The GAO study stated that one-third of schools, serving over 14 million students nationwide, reported needing extensive repair or replacement of at least one building and 60 percent of schools, many in otherwise decent condition, reported at least one major building feature, such as plumbing, in disrepair. In addition, about half the schools reported at least one unsatisfactory environmental condition, such as lighting problems or poor ventilation.

According to the GAO, 19 percent of New Jersey schools reported one inadequate building, 53 percent reported at least one inadequate building feature, and 69 percent reported at least one unsatisfactory environmental factor. In total, 87 percent of New Jersey schools reported a need to upgrade or repair buildings to good overall condition.

Local schools rely on property taxes to support our country's public elementary and secondary schools. But communities everywhere are finding it increasingly difficult to support their academic programs much less their school facilities with local property taxes. The Rebuilding American Schools Act of 1997 would help communities support the repair, renovation, alteration, and construction of our Nation's public elementary and secondary school facilities. States and local governments would continue to maintain full responsibility

for determining their school construction needs and administering their infrastructure programs.

This legislation authorizes \$200 million in fiscal year 1999 to help States increase school construction and renovation targeting school districts that enroll the greatest numbers of children living in poverty. The loans and bond guarantees in the bill will apply to a wide range of improvement projects.

It leverages additional spending on school construction and renovation. And it applies to a wide range of improvement projects, including construction of elementary and secondary facilities, renovation to ensure health and safety of students, improvements of the basic infrastructure, increases in energy efficiency, and construction that prepares facilities for installation of modern educational technology.

This bill goes a long way to providing the proper infrastructural our children need to enter the 21st century. While many of the most desperate repairs and needed improvements are being met, these funds could help our schools meet additional needs. I look forward to the day when I can see the physical manifestation of this bill in better facilities for our children to learn and grow.

#### HONORING THE BRAVERY AND SERVICE OF THE U.S. NAVY ASI- ATIC FLEET

#### HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. BROWN of Ohio. Mr. Speaker, as we approach Veterans Day, I am proud to introduce legislation honoring the bravery and dedication of the sailors and marines who served with the U.S. Navy Asiatic Fleet.

Formed in 1910, the Asiatic Fleet patrolled the waters of the Far East for 32 years, defending the interests of the United States and ensuring the safety of our citizens abroad during various regional conflicts and natural disasters.

Following the attack on Pearl Harbor in December 1941, the personnel of the Asiatic Fleet courageously opposed Japan's continued aggression in the South Pacific. Outnumbered and outgunned by a modern Japanese armada, the aging ships and submarines of the fleet fought valiantly, relying on wits, courage, and sheer determination.

Despite incredible valor and the help of our Australian, British, and Dutch allies, the sailors and marines of the Asiatic Fleet ultimately succumbed to the Japanese on March 1, 1942, when the flagship U.S.S. *Houston* was sunk near Indonesia. The total losses suffered by the fleet were staggering: 22 ships sunk, 1,826 men killed or missing in action, and 518 men captured, many of whom did not survive their internment.

Yet, the spirit displayed by those who served with the Asiatic Fleet was equally stunning. Charged with a near-impossible task from the very start, the Fleet "fought like hell," as one survivor recently put it. That these particular veterans have received little commendation is especially disappointing, for their cunning and fortitude in the face of such overwhelming odds is one of the finer moments in defense of democracy. We can begin to rectify